

# ENTWISTLE & CAPPUCCI

Entwistle & Cappucci LLP  
280 Park Avenue  
26th Floor West  
New York, NY 10017

(212) 894-7200 Main  
(212) 894-7272 Fax  
www.entwistle-law.com

August 19, 2015

## VIA ECF

Honorable Thomas P. Griesa  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

**Re: *In re Tremont Securities Law, State Law and Insurance Litigation,*  
Master File No. 08 Civ. 11117 (TPG)**

Dear Judge Griesa:

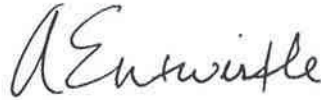
We write in brief response to Mr. Martin's motion seeking leave to submit a sur-reply (ECF No. 1162). In the interest of judicial efficiency, we respond by letter rather than by formal submission.

Mr. Martin seems surprised both that a mediator as highly regarded as retired United States District Judge Phillips would wait to submit his Mediator's Declaration until after seeing the submissions by all objectors, and that when submitted, the Mediator's Declaration would set the record straight with regard to: (i) Mr. Martin's mischaracterization of the Mediator's views about the Consensus FDA POA; (ii) Mr. Martin's mischaracterizations regarding the arm's-length and hard-fought nature of the mediated negotiations; and (iii) Mr. Martin's mischaracterizations regarding the Mediator's explicit direction regarding the absolute nature of mediation confidentiality (a direction to which all present, including Mr. Martin's counsel, unequivocally agreed). The Mediator's Declaration addresses Mr. Martin's putative concerns more eloquently than I can, though it seems clear that, had Mr. Martin's counsel simply called the Mediator before filing his ill-advised submission, much of this could have been avoided.

Class Counsel see no reason for a sur-reply here -- particularly one that simply reiterates

the strained reasoning of Mr. Martin's prior submissions. Nevertheless, should the Court grant the application, Class Counsel will respectfully defer any response until oral argument during Monday's hearing, unless Your Honor would like us to follow a different course.

Respectfully yours,

A handwritten signature in black ink, appearing to read "A Entwistle". The signature is fluid and cursive, with the first letter "A" being large and prominent.

Andrew J. Entwistle

cc: All Counsel of Record (Via ECF)